

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \* \*

MICHAEL S. SPENCER, )  
Plaintiff, ) 3:07-cv-00635-LRH (VPC)  
v. )  
GLEN WHORTON, et al., ) ORDER  
Defendants. )

The Court has considered the Report and Recommendation of United States Magistrate Judge Valerie P. Cooke (#193) entered on April 26, 2010, in which the Magistrate Judge recommends that the Plaintiff's Motion for Class Certification (#128) be denied. Plaintiff filed his Objections to Report and Recommendation by U.S. Magistrate Cooke (#293) on January 3, 2011, and Defendants filed their Reply to Plaintiff's Objections to Report and Recommendation on January 10, 2011 (#294). This action was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and LR IB 1-4 of the Local Rules of Practice of the United States District Court for the District of Nevada.

The Court has conducted its *de novo* review in this case, has fully considered the objections of Plaintiff, the response of Defendants, the pleadings and memoranda of the parties and other relevant matters of record and has made a determination in accordance with the requirements of 28 U.S.C. § 636 (b)(1) and Local Rule IB 3-2. The Court determines that the Magistrate Judge's Report and Recommendation (#193) entered on April 26, 2010, should be adopted and accepted.

1 IT IS THEREFORE ORDERED that the Report and Recommendation of the United States  
2 Magistrate Judge (#193) entered on April 26, 2010, is adopted and accepted; therefore, Plaintiff's  
3 Motion for Class Certification (#128) is DENIED.

4 IT IS SO ORDERED.

5 DATED this 19th day of January, 2011.



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8 LARRY R. HICKS  
9 UNITED STATES DISTRICT JUDGE  
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